IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Bail Appl..No. 1183 of 2007

CRMP.3841/2006 of SESSIONS COURT, PALAKKAD
CRIME NO.548/2006 OF MANNARKKAD POLICE STATION

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PETITIONER/ACCUSED

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1. ADBUL SALAM @ SILY, S/O.MOIDEEN,
   PARIYARAM HOUSE, KAPPUPARAMBU,
   THIRUVIZHAMKUNNU POST, MANNARKKAD TALUK,
   PALAKKAD DISTRICT.

2. NAVAZ, S/O.HAMSAA, AGED 34 YEARS,
   OTHUKKUMPURATH HOUSE, KAPPUPARAMBU,
   THIRUVIZHAMKUNNU POST, MANNARKKAD TALUK,
   PALAKKAD DISTRICT.

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR, MANNARKKAD POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1183/2007

Dated this 28th day of February, 2007

O R D E R

The petitioners who are accused Nos.1 and 2 in Crime No.548/2006 of Mannarkkad Police Station for offences punishable under Sections 323, 294(b) and 506 (ii) IPC read with Section 34 IPC and also under Section 3 (1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, seek anticipatory bail.

2. The learned Public Prosecutor opposed the application submitting inter alia that the victims in the case, the Secretary of the Tribal Protection Committee and another person, were assaulted and abused calling their caste names by the petitioners, while they were travelling in a bus by name 'Abhishek'.

3. Since Section 18 of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989 clamps an embargo against granting anticipatory bail, I

am not inclined to grant anticipatory bail to the petitioners. I am, however, inclined to permit the petitioners to surrender before the Investigating Officer and then to have their applications for regular bail ordered by the Magistrate concerned.

4. Accordingly, the petitioners are directed to surrender before the Investigating Officer on any day between 6.3.2007 and 8.3.2007 for the purpose of interrogation. Thereafter the petitioners shall be produced on the same day before the concerned Magistrate, who shall release them on bail on appropriate conditions.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs